

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants - Coop. Dept.- Disciplinary action U/R. 20 of the APCS (CC&A) Rules 1991 against Sri M.Yellaiah, Deputy Registrar (Retd) for the lapses committed by him while working as APO, DRDA, Nizamabad – Further Action – Dropped and Suspension period treated as ‘On Duty’ and to release all his Pensionary Benefits – Orders - Issued.

AGRICULTURE AND COOPERATION DEPARTMENT

G.O.Rt.No. 190

Dated : 26 -02-2011
Read the following:-

1. Charge Memo Rc.No. 58958/96-G3, dated 18.10.1997.
2. Procs. Rc.No.58958/96/.CI/1, dated 29.5.2003 of the CC & RCS, AP., Hyderabad.
3. From the District Cooperative Officer, Nizamabad Lr.Rc.No. 1444/2006-E, dated 14.10.2008.
4. Judgement dated 12.01.2010 of the Judicial Magistrate of First Class at Yellareddy, Nizamabad District in CC No. 31/1997.
5. Representation of Sri M. Yellaiah, Deputy Registrar(Retired) dated 19.2.2010 and 9.6.2010.
6. Govt. Memo.No. 5062/Vig.III/A1/2010-3, dt. 9.9.2010. .
7. From the CC&RCS Lr. No. 58958/1996/SG3, dt. 07.04.2010, and dt. 29.10.2010 along with W.S.D. of the individual dated 27.9.2010.
8. From the CC&RCS Lr. No. 58958/1996/SG3, dt. 13.12.2010

ORDER:

In the reference first read above, the Commissioner for Cooperation & Registrar of Cooperative Societies, A.P., Hyderabad has initiated departmental proceedings basing on the report of the District Collector, Nizamabad against Sri M.Yellaiah, the then Deputy Registrar/Asst. Project Officer, DRDA, Nizamabad. for having recommended for the sanction of submersible pump-sets for the existing bore-wells of the SC & ST beneficiaries of Yellareddy Mandal and Lingampet Mandal along with the Mandal Parishad Development Officer of the said Mandals. Subsequently the field inspection into the issue revealed that there are no bore-wells or submersible pump-sets with the beneficiaries and the entire amount of Rs.3.36 lakhs and Rs.4.41 lakhs in Yellareddy Mandal and Lingampet Mandal was misappropriated. Criminal cases were filed against Sri M.Yellaiah, Deputy Registrar before the SHO, Yellareddy vide crime No.113/96 and vide crime No.62/96 before the SHO, Lingampet.

2) The Commissioner for Cooperation & Registrar of Cooperative Societies, A.P., Hyderabad has further stated that the officer was retired from Govt. service on 31.7.1998 on attaining the age of superannuation without prejudice to the disciplinary inquiry pending against him. A detailed report was submitted to the Govt. for taking further action on the disciplinary case and Govt. vide Memo No.1500/Coop.II(1)/2000-1 dt.23.2.2000 have requested the CC&RCS to continue the departmental proceedings already initiated as per rule 9 (2) (a) of the AP Revised Pension Rules, 1980 and to send the findings/ recommendations to the Government along with the enquiry officer's report.

3) In the reference second read above, the Commissioner for Cooperation & Registrar of Cooperative Societies, A.P., Hyderabad has appointed the District Cooperative Officer, Nizamabad as the Inquiry authority and the PD, DRDA as the Presenting officer and further action was continued in the disciplinary case accordingly, since Sri M.Yellaiah, the then Deputy Registrar had failed to submit the Written Statement of defence to the said charge Memo, an inquiry under Rule 20 (2) of the APCS (CC&A) Rules, 1991 was ordered into the disciplinary case and as the said orders could not be served to him, the Director, Printing & Stationery, AP., Hyderabad was requested to cause publication of the same in the AP Gazette as per Rule 42 of the APCS (CC&A) Rules, 1991. Accordingly, the said orders were published in the AP Gazette dt.7.8.2003.

4) The Commissioner for Cooperation & Registrar of Cooperative Societies, A.P., Hyderabad has further stated that the District Cooperative Officer, Nizamabad/IA while reporting that the charged officer and the presenting officer failed to attend the hearings fixed by him and submitted his inquiry report with the available records as the original records were deposited with the MM court in connection with the criminal cases filed against him. The CC&RCS has stated that the report could not be communicated to the charged officer for his further explanation as the whereabouts of the officer were not known since 9.3.1999 since all the communications sent to his last known address were returned by the postal authorities to the address available and therefore addressed the Director, Printing & Stationery for publication of the same in the AP Gazette.

5) The Commissioner for Cooperation & Registrar of Cooperative Societies, A.P., Hyderabad has stated that , in the reference 5th read above, Sri M.Yellaiah, Deputy Registrar(Retd) in his representation has submitted that the both the criminal cases filed against him was acquitted by the M.M.Court, Yellareddy, Yellareddy Mandal in C.C.No.31 of 1997 and in CC No.65 of 1997 and requested to drop the charges framed against him and to release his pensionary benefits and to treat the suspension period in two spells i.e., from 03.11.1996 to 30.09.1997 and 12.03.1998 to 31.07.1998 as "on duty" as he was acquitted from the charges. Further, the Commissioner for Cooperation & Registrar of Cooperative Societies, A.P., Hyderabad has requested the Govt. to issue further orders in the matter as the Govt. is the authority competent to take a decision in respect of retired officers of the department.

6) In the references 7th and 8th read above, the Commissioner for Cooperation & Registrar of Cooperative Societies, A.P., Hyderabad has furnished the written statement of defence of the charged officer and stated that the Charged Officer has denied all the charges framed against him and requested to drop the charges framed against him treating the suspension periods from 3.11.1996 to 30.9.1997 and from 12.3.1998 to 31.7.1998 i.e. till the date of retirement as 'on duty' in view of the judgement of the Hon'ble M.M.Court, Yellareddy in which the Charged Officer was acquitted from the charges on merits.

7) Government after careful examination in the light of the judgement dated 12.1.2010 delivered by the Judicial First Class Magistrate Court, Yellareddy, Yellareddy Mandal in C.C.No.31 of 1997 and in CC No.65 of 1997 in which the accused officer has been acquitted from alleged offences and keeping in view of the facts mentioned by the CC & RCS, AP., Hyderabad that the individual is 'on duty' as he applied for medical leave and it was sanctioned as per rules, have decided to drop further action against the individual and accordingly hereby order to drop the charges framed against Sri M.Yellaiah, Deputy Registrar(Retd) and to treat the suspension period in two spells i.e., from 03.11.1996 to 30.09.1997 and 12.03.1998 to 31.07.1998 as 'on duty' under Rule 54 (B) and to release all his Pensionary Benefits, as he was acquitted from the charges by the Hon'ble M.M.Court.

8) The Commissioner for Cooperation & Registrar of Cooperative Societies, A.P., Hyderabad shall take necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

K. R. KISHORE,
PRINCIPAL SECRETARY TO GOVERNMENT.

To

Sri M.Yellaiah, Deputy Registrar(Retd)

(through the Commissioner for Cooperation & Registrar of Cooperative Societies,
A.P., Hyderabad.

The Commissioner for Cooperation and Registrar of Cooperative Societies,
AP., Hyderabad .

Copy to the District Collector, Nizamabad.

Copy to the District Cooperative Officer, Nizamabad.

Sc.Sf.1

// Forwarded:: By Order //

SECTION OFFICER.